

Federal Defenders
OF NEW YORK, INC.

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February 11, 2020

By ECF and by hand

Honorable Denny Chin
United States Circuit Judge
Southern District of New York
40 Foley Square
New York, N.Y. 10007

This application is
GRANTED. Supervised
release is terminated,
effective Feb. 26, 2020.
SO ORDERED.

Re: *United States v. Sharif Sumner*, 8 Cr. 824 (DC)

Dear Judge Chin:


USCT
2-25-2020

I write on consent of the government (Assistant U.S. Attorney Brian Blais) to respectfully request that the Court terminate supervised release. Mr. Sumner has completed over four years of his five-year term, and has done exceptionally well. Here, discharging Mr. Sumner from further supervision is "warranted by the conduct of the defendant released and in the interest of justice." 18 U.S.C. § 3583(e)(1).

A. The 3553(a) factors support termination.

After considering the factors set forth at 18 U.S.C. § 3553(a), a court may terminate supervised release after one year "if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice." 18 U.S.C. § 3583(e)(1).

In June 2009, the Court sentenced Mr. Sumner to a term of 108 months for his involvement in a conspiracy to possess with the intent to distribute narcotics. *See* Judgment, *United States v. Sumner*, 8 Cr. 824 (DC), Dkt. No. 14. On January 16, 2015, we requested that the Court reduce Mr. Sumner's sentence pursuant to 18 U.S.C. § 3582(c)(2), based in part on his exemplary conduct while incarcerated. *See id.*, Dkt. No. 23. On May 8, 2015, the Court agreed, reducing Mr. Sumner's sentence to 84 months. *See id.*, Dkt. Nos. 25 & 26. Sharif was released from incarceration on October 30, 2015.

Sharif has done exceptionally well since his release from imprisonment in 2015. In around October 2017, he completed a 900-hour advanced electrical program at Apex Technical School, and has been working steadily. Currently, Mr. Sumner is working full-

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time as a certified electrician for Power Design Inc., earning \$30 per hour. According to Mr. Sumner's Probation Officer, Sharif has done very well and has been wholly compliant with all the conditions of release.¹

After being an exemplary inmate during his long incarceration, Sharif Sumner has continued his positive progress, complying with all the conditions of his release, and building a foundation for a successful career. Having successfully completed 53 months of his 60-month term, I urge the Court to terminate supervision and discharge Mr. Sumner. Terminating supervision will serve at least three important purposes: first, it will commend Mr. Sumner, in the most tangible way, for his hard work over the past four and half years; second, it will encourage others to do their utmost while on supervision – to, for example, return to school, learn a trade, and work very hard – and thus demonstrate in their case that supervision is no longer required; and third, it will allow the Probation Office to better allocate its resources.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ _____
Martin S. Cohen
Ass't Federal Defender
Tel.: (212) 417-8737

Cc: Brian Blais, Esq., by e-mail
Vincent Danielo, U.S. Probation Officer, by e-mail
Mr. Sharif Sumner, by e-mail

¹ According to Officer Vincent Danielo, whom I spoke to over the telephone, the Probation Office in the Eastern District of New York, where Sharif is supervised, has a policy of not requesting early termination for individuals who have a prior conviction for possession of a firearm. (In Mr. Sumner's case, this conviction is 20 years old.) Officer Danielo noted, though, that Mr. Sumner has done very well on supervision, and had been placed in their lowest intensity unit. As noted above, the Government consents to early termination in this case.